

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYNE ULRICH,

Plaintiff,

v.

MERCED COUNTY DISTRICT
ATTORNEY'S OFFICE, et al.,

Defendants.

No. 1:23-cv-00612-ADA-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(ECF No. 8)

Plaintiff Wayne Ulrich is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed a complaint on March 29, 2023. (ECF No. 1.) On April 21, 2023, the Magistrate Judge issued an order directing Plaintiff to submit an application to proceed in forma pauperis or to pay the \$402.00 filing fee. (ECF No. 5.) Plaintiff failed to respond to the order. Accordingly, on June 15, 2023, the Magistrate Judge ordered Plaintiff to show cause as to why the action should not be dismissed. (ECF No. 6.) Plaintiff again failed to respond. Therefore, on July 11, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss this action, without prejudice, for failure to obey a court order, failure to pay the filing fee, and failure to prosecute. (ECF No. 8.) The findings and recommendations contained notice that Plaintiff had fourteen days within which to file objections. (*Id.* at 3.) On July 24,

2023, the findings and recommendations served on Plaintiff's address of record were returned as undeliverable. (*See* docket.) No objections have been filed, and the deadline to do so has passed. Plaintiff has not otherwise communicated with the Court regarding this action.¹

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on July 11, 2023, (ECF No. 8), are adopted in full;
2. This action is dismissed, without prejudice, for failure to obey a Court order, failure to pay the filing fee, and failure to prosecute this action; and
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: August 22, 2023


UNITED STATES DISTRICT JUDGE

¹ Local Rule 182(f) provides that pro se parties are "under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number." If a pro se party fails to provide such notice, "service of documents at the prior address . . . shall be fully effective." *Id.* Here, Plaintiff has failed to notify the Clerk of Court of any address change. Therefore, service of the findings and recommendations to the address on file was fully effective.